

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION

CORBY S. HAGAN and
LEWIS SIMMONS,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

PETER POCRNICH, individually and d/b/a
ADVANCE LOANS, INC., and
FRED ZWOLINSKI, individually and d/b/a
GENESIS RECOVERY CORP.,

Defendants.

No. 04 CH 4559

Judge Marovich

Magistrate Judge Mason

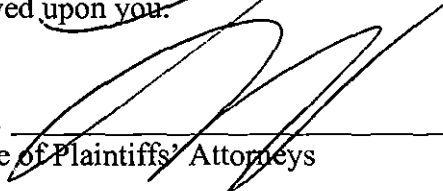
DOCKETED
NOV 29 2004

FILED
NOV 29 2004

NOTICE OF MOTION

To: See Certificate of Service

PLEASE TAKE NOTICE that on Wednesday, November 24, 2004 at 10:30 a.m., Plaintiff's counsel shall appear before the Honorable George M. Marovich presiding in Room 1743 of the U.S. District Court for the Northern District of Illinois, Eastern District, and then and there present the attached *Agreed Motion to Extend the Briefing Schedule on Defendant Peter Pocrnich's Motion to Dismiss Plaintiffs' Complaint*, a copy of which is attached hereto and hereby served upon you.

By: 
One of Plaintiffs' Attorneys

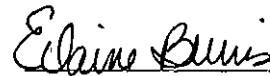
Lance A. Raphael
Stacy M. Bardo
Allison Krumhorn
The Consumer Advocacy Center, P.C.
180 West Washington, Suite 700
Chicago, IL 60602
(312) 782-5808

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CERTIFICATE OF SERVICE

I, Elaine C. Burris, paralegal, hereby certify under penalties of perjury according to 28 U.S.C. § 1746 that I served the attached ***Agreed Motion to Extend the Briefing Schedule on Defendant Peter Pocrnich's Motion to Dismiss Plaintiffs' Complaint*** by faxing a copy and placing the same in the U.S. Mail, with proper postage prepaid, on **November 12, 2004** to the following:

James P. Ziegler
Stone, Pogrud & Korey
221 N. LaSalle St., Suite 3200
Chicago, Illinois 60601
FAX: (312) 782-1482


Elaine Burris

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DOCKETED
NOV 29 2004

FILED
NOV 12 2004

RECEIVED
NOV 12 2004

**AGREED MOTION TO EXTEND BRIEFING SCHEDULE ON DEFENDANT PETER
POCRNICH'S MOTION TO DISMISS PLAINTIFFS' COMPLAINT**

Plaintiffs Corby S. Hagan and Lewis Simmons, by and through their attorneys, move this Court for an order extending the briefing schedule on their Response to Defendant Peter Pocrnich's Motion to Dismiss Plaintiffs' Complaint. In support of their motion, Plaintiffs state as follows:

1. Plaintiffs' Response to Peter Pocrnich's Motion to Dismiss is currently due on November 15, 2004.
2. However, after Defendant filed his Motion to Dismiss, Plaintiffs and Defendant have engaged in settlement discussions.
3. In order to avoid an unnecessary increase in attorneys' fees in a fee-shifting case, Plaintiffs' counsel requests that they be given an additional three weeks to respond to Defendant's Motion to Dismiss.
4. The extension requested will give the parties sufficient time to see if the case can

settle before the Court will have to review written memoranda and consider oral argument.

5. Further, on November 11, 2004, Defendant's counsel, James Ziegler, agreed to such an extension.

6. Therefore, Plaintiffs propose the following new schedule:

Plaintiffs' Response to Defendant's Motion to Dismiss shall be due December 6, 2004
Defendant's Reply in Support of his Motion to Dismiss shall be due December 13, 2004.

WHEREFORE, Plaintiffs Corby S. Hagan and Lewis Simmons respectfully request that this Court enter a modified briefing schedule on Defendant's Motion to Dismiss.

Respectfully Submitted,

By: _____
One of Plaintiffs' Attorneys

Lance A. Raphael
Stacy M. Bardo
Allison A. Krumhorn
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